

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

iROBOT CORPORATION,

Plaintiff,

V.

SHARKNINJA OPERATING LLC,
SHARKNINJA MANAGEMENT, LLC, AND
SHARKNINJA SALES COMPANY,

Defendants.

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) Civil Action No. 1:19-cv-12125
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) JURY TRIAL DEMANDED
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PLAINTIFF iROBOT’S MOTION FOR
IMPOUNDMENT OF CONFIDENTIAL INFORMATION

Pursuant to Local Rules 7.1 and 7.2 of the United States District Court for the District of Massachusetts, Plaintiff, iRobot Corporation (“iRobot”), respectfully requests leave to file under seal Plaintiff’s Memorandum in Support of Motion for Preliminary Injunction, including Exhibits 21, 27, and 30 thereto; the Declaration of Jennifer Lichtenheim in Support of Plaintiff’s Motion for a Preliminary Injunction, including Exhibits 1, 22, and 26 thereto; the Declaration of Keith R. Ugone in Support of Plaintiff’s Motion for a Preliminary Injunction, including Appendices 3, 4, and 5 thereto; and the Declaration of Tim Saeger in Support of Plaintiff’s Motion for a Preliminary Injunction.

The grounds for this motion are as follows:

1. Plaintiff's Memorandum in Support of Motion for Preliminary Injunction contains competitively and commercially sensitive information with respect to Plaintiff's business.
2. Exhibit 21 to the Memorandum In Support Of Motion For Preliminary Injunction is keyword auction insight report from October 1, 2019 to October 7, 2019, this document

contains competitively sensitive information. This document is an analysis of iRobot's advertisements on Google compared to its competitors, such as how often iRobot's advertisement was shown at the top of the page in a search result.

3. Exhibit 27 to the Memorandum in Support of Motion for Preliminary Injunction is a competitively sensitive article discussing the decrease iRobot will see with respect to the Roomba because of Shark in the market.

4. Exhibit 30 to the Memorandum in Support of Motion for Preliminary Injunction is a document from August 2019, containing iRobot's analysis of estimated U.S. sales for consumer robots with vacuum functionality.

5. The Declaration of Jennifer Lichtenheim in Support of Plaintiff's Motion for a Preliminary Injunction contains competitively and commercially sensitive information with respect to Plaintiff's business.

6. Exhibit 1 to the Lichtenheim Declaration is a document from August 2019, containing iRobot's analysis of estimated U.S. sales for consumer robots with vacuum functionality.

7. Exhibit 22 to the Lichtenheim Declaration is a keyword auction insight report from October 1, 2019 to October 7, 2019, this document contains competitively sensitive information. This document is an analysis of iRobot's advertisements on Google compared to its competitors.

8. Exhibit 26 to the Lichtenheim Declaration is an excel with detailed competitively sensitive sales information for the Roomba® i7+.

9. The Declaration of Keith Ugone in Support of Plaintiff's Motion for a Preliminary Injunction contains competitively and commercially sensitive information with respect to Plaintiff's business.

10. Appendix 3 to the Ugone Declaration is a list of documents relied on/and received by iRobot with detailed dates and titles, containing competitively and commercially sensitive information with respect to Plaintiff's business.

11. Appendix 4 to the Ugone Declaration is a document with detailed competitively sensitive sales information for iRobot.

12. Appendix 5 to the Ugone Declaration is a competitively sensitive article discussing the decrease iRobot will see with respect to the Roomba because of Shark in the market.

13. The Declaration of Tim Saeger in Support of Plaintiff's Motion for a Preliminary Injunction contains competitively and commercially sensitive information with respect to Plaintiff's business.

14. The aforementioned Exhibits contain competitively or commercially sensitive information.

Due to the short time frame surrounding the underlying emergency motion, Defendants were unable to obtain such assent from Defendant by the time of filing.

WHEREFORE, Plaintiff's respectfully request that Plaintiff's Memorandum in Support of Motion for Preliminary Injunction, including Exhibits 21, 27, and 30 thereto; the Declaration of Jennifer Lichtenheim in Support of Plaintiff's Motion for a Preliminary Injunction, including Exhibits 1, 22, and 26 thereto; the Declaration of Keith R. Ugone in Support of Plaintiff's Motion for a Preliminary Injunction, including Appendices 3, 4, and 5 thereto; and the

Declaration of Tim Saeger in Support of Plaintiff's Motion for a Preliminary Injunction be impounded until further order of the Court. Upon termination of the impoundment period, Defendants will retrieve and take custody of the impounded documents.

Date: October 15, 2019

Respectfully submitted,

/s/ T. Christopher Donnelly

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Counsel for Plaintiff

iRobot Corporation

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

The undersigned counsel certifies that the parties were not able to meet and confer in an attempt to resolve or narrow the issues presented by this motion because no counsel of record has appeared in this case on behalf of Shark.

/s/ T. Christopher Donnelly

T. Christopher Donnelly

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be served on Shark pursuant to Fed. R. Civ. P. and L.R. 5.2 along with a copy of the Complaint in this case.

/s/ T. Christopher Donnelly

T. Christopher Donnelly